

**REMARKS**

Claims 1-7 and 9 are pending in this application. By this Amendment, independent claims 1, 6 and 9 are amended for clarity. Support for the amendments to claims 1, 6 and 9 can be found, for example, in Fig. 4 and on page 5, line 15 to page 6, line 25 of the specification. Claims 2 and 4 are amended to be consistent. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 2, 4, 6, 7 and 9 under 35 U.S.C. §102(b) over Hirai et al. (Hirai), U.S. Patent Application Publication No. 2001/0003557 A1. The rejection is respectfully traversed.

Hirai does not disclose an image information generating part for dividing captured image data consisting of a signal having a plurality of data values of a plurality of pixels into a plurality of small areas, said small areas each consisting of a plurality of the pixels, and for generating, for each of said small areas, image information indicating a characteristic of the captured image data, as recited in independent claim 1 and similarly recited in independent claims 6 and 9.

Hirai discloses a photometry device capable of determining appropriate exposure values regardless of differences of reflectivity of focused objects to be photographed (see paragraph [0004]). Hirai determines the exposure values by dividing a scene to be photographed into multiple photometry areas A0-A5 and then determines an exposure value for each of the areas A0-A5 through sensor 9 (see Fig. 4B and paragraph [0044]). The scene to be photographed is divided and the exposure values are determined before the sensor 9 acquires any data (i.e., before any captured image data is acquired). That is, Hirai divides an image of a focused object to be photographed as viewed through a camera, not captured image data consisting of a signal having a plurality of data values of a plurality of pixels. The

photographing of the object to be photographed does not occur in Hirai until after exposure compensation amounts are determined so as to photograph a main object at a suitable exposure value (see paragraph [0123]). Additionally, Fig. 4(B) of Hirai does not illustrate captured image data obtained through photometry sensor 9. Rather, Hirai merely discloses dividing an image of an uncaptured scene as it is viewed through a viewing structure. This is evidenced by the fact that on the photometry sensor 9 in Fig. 4(B), there are sections of the subject image that are not within the bounds of the light receiving section in Fig. 4(A) (illustrated by shaded diagonal lines). Because the six photometry areas A0-A5 are evaluated by sensor 9 before the scene to be photographed is photographed, the six photometry areas A0-A5 do not each consist of a plurality of pixels and cannot reasonably be considered as captured image data.

The Office Action asserts on page 2 that the "image data on the sensor itself is further divided into section A0-5." However, Hirai teaches that each of the sensors 9 is constructed as a planar structure photometry IC chip having a light received section and an amplifier AMP (see Fig. 4A and paragraph [0044]). As such, the value detected from each area A0-A5 by a particular sensor 9 corresponds to a single color value and does not include a plurality of data values of a plurality of pixels. Therefore, information from each of the six photometry areas A0-A5 is composed of a single color value (see paragraph [0044]), not information corresponding to a plurality of data values.

Furthermore, Hirai does not disclose the existence of or usage of output values (i.e., pixel data) created by dividing each of the photometry areas A0-A5 into smaller areas. In Hirai, the subject image is photometrically measured at each of the six photometry areas A0-A5, and the value of the output voltage at each photometry area that is A/D converted is obtained as the output value of each photometry area. The output value corresponding to the six photometry areas A0-A5 in Hirai is only used for later exposure calculations, and there is

no mention of output values obtained by further dividing each of the areas. Contrary to the assertion on page 4 of the Office Action, paragraph [0044] of Hirai does not disclose dividing the photometry areas A0-A5 into smaller areas. Rather, Hirai merely discloses that different Bvad values from each sensor 9 are obtained from the same photometry area, not a divided smaller area of the given photometry area.

Therefore, Hirai does not disclose an image information generating part for dividing captured image data consisting of a signal having a plurality of data values of a plurality of pixels into a plurality of small areas, said small areas each consisting of a plurality of the pixels, and for generating, for each of said small areas, image information indicating a characteristic of the captured image data, as recited in independent claim 1 and similarly recited in independent claims 6 and 9. Therefore, independent claims 1, 6 and 9, and dependent claims 2, 4 and 7 are patentable over Hirai. Thus, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Hirai in view of Kita, U.S. Patent Application Publication No. 2002/0051569 A1; and rejects claim 5 under 35 U.S.C. §103(a) over Hirai in view of Kimura, U.S. Patent No. 6,333,792 B1. The rejections are respectfully traversed.

Because claims 3 and 5 incorporate the features of claim 1, and because Kita and Kimura fail to overcome the deficiencies of Hirai, these claims also are patentable over the applied references for at least these reasons, as well as for the additional features claims 3 and 5 recite. Thus, it is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:

Request for Continued Examination  
Petition for Extension of Time

Date: June 8, 2009

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